

rule is so suspended and it is enacted that this law shall take effect and be in force and effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing Act passed the Senate, no vote given; and passed the House of Representatives, 107 yeas, 2 nays.]

[NOTE.—The foregoing Act was presented to the Governor of Texas for his approval on the 1st day of February, A. D. 1923, but was not signed by him nor returned to the House in which it originated, with his objection thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—S. L. STAPLES, Secretary of State.]

Effective 90 days after adjournment.

WATER SUPPLY—CITIES AND TOWNS RELATING TO THE
FURNISHING OF PURE WATER.

S. B. No. 120.]

CHAPTER 18.

An Act authorizing cities having more than one thousand inhabitants and owning and operating their own waterworks systems to acquire by purchase, gift, devise or by the exercise of the right of eminent domain through and by condemnation proceedings, the necessary lands and property, public or private, including riparian rights, lying within any such city or outside any such city or in any county in the State for the purpose of constructing reservoirs and for the purpose of the extension, construction, improvement and enlargement of the said waterworks systems including the construction of dams, wells, water supply reservoirs, water sheds and such other necessary appurtenances and facilities in order to furnish to any such city an adequate supply of wholesome water, defining the governing authorities, and prescribing the procedure in cases of the exercise of the right of eminent domain by condemnation, and providing for an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Cities having more than one thousand inhabitants under the last preceding census of the United States and owning and operating their own waterworks systems for the purpose of supplying the inhabitants thereof with water may proceed in accordance with the provisions hereof, independently of and without reference to any other applicable law or charter provision, present or future, except as herein provided for, which said law or charter provisions shall remain in force as alternative methods.

SEC. 2. The term "city" or "cities" as used herein shall include all incorporated towns and cities acting hereunder.

The term "Governing authorities" shall include the governing or legislative bodies of such cities whether described as commission, council, board of aldermen or otherwise, by the general or special laws or charters.

SEC. 3. Subject to the terms hereof any city of the class defined

in Section 1 hereof that owns and operates its own waterworks system for the purpose of supplying to its inhabitants water for fire protection or domestic consumption and the uses of the city may by purchase, gift, or devise, or by the exercise of the right of eminent domain by and through condemnation proceedings acquire and own in fee simple or otherwise public or private lands and property, including riparian rights, within the city limits or without the city limits or within any county in the State.

SEC. 4. That for the purpose of furnishing to any such city an adequate and wholesome supply of water any such city may exercise the right of eminent domain by and through condemnation proceedings to acquire and condemn either public or private lands and property for the extension, improvement or enlargement of its waterworks system, including water supply reservoirs, riparian rights, stand pipes, water sheds, the construction of water supply reservoirs, wells or artesian wells and dams and the construction, building, erection or establishment of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water. That in addition to the above powers conferred, and for greater certainty, any such city herein referred to shall have all the powers conferred upon water improvement districts or water control and preservation districts under the State statutes now or hereafter existing providing for the exercise of the right of eminent domain by and through condemnation proceedings, and shall have all the powers conferred by general law under the statutes authorizing cities and towns to exercise the right of eminent domain by and through condemnation proceedings.

SEC. 5. That the procedure to be followed in condemnation proceedings hereunder shall be in accordance with the law governing railroad companies in the condemnation, of rights of way including the application for condemnation, the measure of damages, the right of appeal and the other provisions relating to condemnation provisions by the railroads, the city occupying the position of the railroad, provided, however, that the city may acquire the fee to any land or property in any such condemnation proceedings when the same is expressed in the resolution ordering the said condemnation proceedings by the governing authorities.

SEC. 6. That the terms of this Act shall be in addition to, independent of and cumulative of any other law prescribing or authorizing condemnation proceedings by cities, except as herein otherwise provided, and the terms hereof shall not affect any condemnation proceedings already begun and instituted under any other applicable law by any city.

SEC. 7. The fact that many cities and particularly the class of cities hereinabove have no adequate powers under the existing provisions of law to effectively condemn land outside of the said city and outside of the county in which the said city is located for the purpose of extending, constructing, enlarging or improving their waterworks systems and obtaining a wholesome supply of water, or to effectively acquire lands in other counties of the State for such purpose, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several

days be suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing Act passed the Senate, 23 yeas, 2 nays; and passed the House of Representatives, 122 yeas, nays 3.]

[NOTE.—The foregoing Act was presented to the Governor of Texas for his approval on the 6th day of February, A. D. 1923 but was not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—S. L. STAPLES, Secretary of State.]

Effective February 18, 1923.

BILL OF DISCOVERY—REVIVING IN ACCORDANCE WITH
USAGES OF COURTS OF EQUITY.

S.B. No. 65.]

CHAPTER 19.

An Act reviving the bill of discovery in accordance with the usages of courts of equity; making such remedy cumulative and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. All trial courts in this state having jurisdiction of the subject matter of litigation, shall entertain suits in the nature of bills of discovery and grant relief therein in accordance with the usages of courts of equity.

SEC. 2. The remedy hereinabove provided shall be cumulative of all remedies heretofore provided.

SEC. 3. The importance of the foregoing Act, in that many suits are now pending in Texas wherein residents of this State are unable by our present deposition statutes to compel non resident litigants to disclose the state of accounts between them so that a proper judgment may be recovered, resulting in serious financial loss to them, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing Act passed the Senate, no vote given; and passed the House of Representatives, 118 yeas, 0 nays.]

[NOTE.—The foregoing Act was presented to the Governor of Texas for his approval on the 1st day of February, A. D. 1923, but was not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the